

**City of Warwick Planning Board
Meeting Minutes
Wednesday, December 14, 2011**

Members Present: John J. Mulhearn Jr., Chairman
Philip Slocum
Sue Stenhouse
Vincent Gambardella
James Desmarais

Members Absent: Leah Prata
Laura Pisaturo
Cynthia Gerlach
Thomas Kiernan

Also in attendance: Patricia Reynolds, Business Development Planner
Lidia Cruz-Abreu, Planning Specialist
Eric Hindinger, Engineer Project Manager
Peter Ruggiero, City Solicitor

Chairman Mulhearn called the meeting to order at 6:06 P.M.

The November 2011 meeting minutes were presented for review and approval. A motion was made by Ms. Stenhouse to approve the November meeting minutes as presented. The motion was seconded by Mr. Slocum. All voted in favor, none opposed, with Mr. James Desmarais abstaining.

Public Meeting

Minor Subdivision

Tarantino Plat

Location: 19 Baycliff Drive
Applicant(s): Keith Tarantino
Cathy Palmisano
Assessor's Plat: 203
Assessor's Lot(s): 76, 77, 110, & 111
Zoning District: A-10 Residential
Land Area: 20,000 square feet
Surveyor: Alpha Associates, LTD
Ward: 9

The applicant requested Preliminary Approval of a Minor Subdivision to subdivide four (4) lots to create two (2) lots; one (1) 10,000 square foot lot with an existing residence having less than required front yard setback and one (1) new 10,000 square foot lot for development.

The application was represented by Harry A. Miller, PLS, Alpha Associates, LTD. Mr. Miller explained that the property consisted of four (4) Tax Assessor's Lots. He further explained that Mr. Tarantino had inadvertently sold two of the Tax Assessor lots to another party without realizing that a Minor Subdivision was required.

Mr. Slocum questioned if the cesspool had been tested and Mr. Miller explained that the cesspool had been inspected in 2001 and that to best of his knowledge the cesspool continued to function properly.

Mr. Miller indicated that he would be installing rain gardens to handle the drainage.

He also explained that due to the site condition he may not be able to set any further granite bounds. Eric Hindinger, Engineer Project Manager, explained that the bound could be installed off-set. Mr. Mulhearn asked if the granite bound could be installed off-set and Mr. Miller responded affirmatively.

Mr. Miller addressed the stipulation regarding the rear yard shed encroachment. The Board asked that the shed encroachment be addressed, prior to Final Approval.

Mr. Mulhearn asked to have the findings and recommendation read into the record.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the subject property is located at 19 Baycliff Drive and Overlook Drive and is identified as Assessor's Plat: 203, Assessor's Lots: 76, 77, 110 & 111.
2. That the subject property consists of four (4) tax assessor's lots and four (4) record lots totaling 20,000 square feet and is currently zoned Residential A-10.
3. That the applicant proposes to create two (2) lots; one (1) 10,000 square foot lot with an existing dwelling having less than required front yard setback; and one (1) new 10,000 square foot lot for development.
4. That the Residential A-10 Zoning District requires a minimum of 100 feet of frontage and lot width and a minimum area of 10,000 square feet per individual lot.
5. That all lots as proposed will conform to the requirements of the Residential A-10 Zoning District.

6. That 19 Baycliff Drive, Parcel A, as noted on the Tarantino Plat Preliminary Plan, dated September 2011, does not fall within the 200' Coastal Feature; therefore, 19 Baycliff Drive does not fall within the purview of the RI Cesspool Act of 2007.
7. That 19 Baycliff Drive, Parcel A, as noted on the Tarantino Plat Preliminary Plan, dated September 2011, received a Residential System Suitability Determination with the reduction of bedrooms from four (4) to three (3).
8. That Parcel B, fronting on Overlook Drive, as noted on the Tarantino Plat Preliminary Plan, dated September 2011, has received RIDEM (OWTS) Approval NO. 0635-2310.
9. That the proposed development is generally consistent with the Comprehensive Community Plan.
10. That the property will have access to public water.
11. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
12. That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

The Planning Department's recommendation is to grant Preliminary Approval with Final Approval to be through the Planning Board, upon compliance with the following stipulations:

1. That the Final Plan shall note deed book and pages references, as required per *Development Review Regulation, Appendix B, Checklist Item# 6*.
2. That the Final Plan shall depict wetlands, watercourses, or coastal features within 200', as required per *Development Review Regulation, Appendix B, Checklist Item #14*, or a note shall be added stating that wetlands do not exist within 200' of the subject lots.
3. That the Final Plan shall depict locations and dimension of existing and proposed utilities within and immediately adjacent to the subject lots, including, but not limited to, the proposed gas line to the new dwelling, as required per *Development Review Regulation, Appendix B, Checklist Item #18*.
4. That the Final Plan shall depict provisions for collecting stormwater, as required per *Development Review Regulation, Appendix B, Checklist Item #19*.

5. That the Final Plan shall have the grading redesigned for consistent grading and the runoff from the proposed dwelling shall be directed away from the abutting properties and the right-of-way, as required per *Development Review Regulations, Appendix D, D.2.7 Drainage*.
6. That one (1) Granite Bound (off-set) may be set as necessary and iron rods at the remaining corners shall be indicated on the Final Plan and that the proposed Monumentation shall be installed, prior to the recording of the "Record Plat".
7. That the shed depicted along the rear property line of proposed Parcel A, as noted on the Tarantino Plat Preliminary Plan, dated September 2011, shall be moved or removed to comply with the required setbacks, prior to Final Approval.
8. That the applicant shall coordinate with the Water Division for connection to Municipal Water and the water service connection shall be a minimum one (1) inch diameter pipe.
9. That 19 Baycliff Drive shall be restricted to a three (3) bedroom dwelling, with the current cesspool, per RIDEM Residential System Suitability Determination Approval No. 0135-1944.
10. That the applicant shall plant two (2) new 2.5" caliper street trees for proposed Parcel A and Parcel B, as noted on the Tarantino Plat Preliminary Plan dated September 2011, prior to the issuance of a Certificate of Occupancy. The applicant shall consult with the City's Landscape Project Coordinator regarding specific location and species.

On the motion of Mrs. Stenhouse, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department's findings and recommendation and to grant Preliminary Approval, with Final Approval to be through the Planning Board, with the Planning Department's recommended stipulations.

Public Hearing

Major Land Development Project

King Street & High Street/PDR-L

Applicant:	Earl W, Judy, David & Susan Sandin Paul & Denise Lavoie
Location:	51 King Street & 51-53 High Street
Assessor's Plat:	274
Lot(s):	105, 248, & 256
Zoning District:	A-7 with PDR-L Overlay, within an existing Historic Overlay District
Land Area:	23,560 square feet
Surveyor:	Ocean State Planners, Inc.
Ward:	8

The Applicant requested a combined Preliminary/Final Approval of a Major Land Development Project. The Applicant is proposing to legalize an existing 2-unit dwelling on a lot with less than required land area and front yard setback.

The application was represented by Mr. Daniel K. Flaherty, ESQ who explained that the application was to legalize a cut that was made in the 1980's, that was not realized until two years ago when one of the property owners applied to refinance his property and was told that there was no approval for the multi-family on an undersized lot.

Mr. Mulhearn opened the public hearing, being no testimony Mr. Slocum made a motion to close the public hearing, seconded by Ms. Stenhouse.

Mr. Mulhearn asked to have the findings and recommendation read into the record.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the property consists of three lots containing two (2) - 2-unit dwellings; Assessor's Plat 274 Assessor's Lot 256 consists of one (1) - 2-unit dwelling on a lot totaling 8,246 square feet of land area, located at 51-53 High Street (Lavoie Property) and Assessor's Plat 274 Assessor's Lots 105 & 248 that contains one (1) - 2-family dwelling on two (2) lots totaling 15,314 square feet of land area located at 51 King Street (Sandin Property).
2. That the existing 2-unit dwelling at 51 King Street is located on AP 274 AL 105 & 248 (Sandin Property) and has been determined to be a legal use established through Certificate of Use & Occupancy No. 618-05, dated May 6, 2005.
3. That the property located on Assessor's Plat 274 Assessor's Lot 256, 51-53 High Street, received a City Council Zone Change, PC0-18-11 Amended to A-7 with a PDR-L Overlay within an existing Historic Overlay District, with variances for less than required land area and front yard setback from the existing structure.
4. That public sewer and water are available to the property.
5. That there will be no significant negative environmental impacts from the proposed development.
6. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

That the Planning Department's recommendation is to grant a combined Preliminary/Final Approval, with the following stipulation:

1. That Assessor's Lots 105 and 248 on Assessor's Plat 274 shall be merged by an Administrative Subdivision, as part of the Final Approval.

On the motion of Mr. Slocum, seconded by Ms. Stenhouse, the Planning Board voted unanimously to formally adopt the Planning Department's findings and recommendation and to grant a combined Preliminary/Final Approval, with the Planning Department's recommended stipulations.

A motion to close the meeting was made by Mr. Slocum; seconded by Ms. Stenhouse at 6:35 p.m.